

**REMARKS**

Claim 1 is amended herein. Support is found, for example, at page 8, lines 24-25 and page 46, lines 14-15. Accordingly, no new matter is presented. Upon entry of the amendment, claims 1-10 will be all of the claims pending in the application.

**I. Response to the Claim Rejection under 35 USC § 102**

Claims 1-6, 9, and 11 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Miyake et al.

Applicants respectfully traverse the rejection and submit that Miyake et al does not disclose all of the elements of the present claims as amended.

Claim 1 is amended to recite the amount of the water-insoluble and alkali-soluble resin, that the image recording layer contains phenol and m-cresol and the amount of m-cresol. Claim 1 is further amended to clarify that the image recording layer exhibits increased solubility in an alkaline aqueous solution when exposed to an infrared laser.

In view of the amendment to claim 1 as discussed above, the constitution of the present invention and that of the planographic printing plate disclosed in reference Miyake et al. (US 6,573,022 B1) are completely different. That is, the lower layer of the present invention is a water-insoluble layer, whereas, the organic subbing layer as disclosed in column 45, lines 1-23 of Miyake is a water-soluble layer. Also, the coating amount of the lower layer of the present invention is different from that of the organic subbing layer of Miyake et al (see column 44, line 57). Further, no novolak type phenol resin containing phenol and m-cresol as structural units, in which m-cresol is contained in an amount of 10% by mole or more in the total amount of

resin, is disclosed in Miyake et al. Accordingly, Miyake et al does not disclose all elements of the present claims as amended and cannot be said to anticipate the claimed invention.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102.

## **II. Claim Rejections - 35 USC § 103**

Claims 1-13 are rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Miyake et al in view of Kitson et al (6,858,359 B2).

Applicants respectfully traverse the rejection and submit that the references, whether taken alone or in combination, do not teach or suggest the presently claimed invention.

As discussed above, the constitution of the planographic printing plate disclosed in Miyake et al is different from that of the present invention.

Kitson et al does not teach or suggest a planographic printing plate that uses a novolak type phenol resin containing phenol and m-cresol as structural units, in which m-cresol is contained in an amount of 10% by mole or more in the total amount of the resin. Therefore, Kitson et al does not remedy the deficiencies of Miyake et al.

Further, Kitson mentions that the top layer is preferably substantially free of a photothermal conversion material, and there is no example disclosed therein that uses a photothermal conversion material in the top layer. Thus, one of ordinary skill in the art would not have been motivated to combine the references with a reasonable expectation of success in achieving the claimed invention.

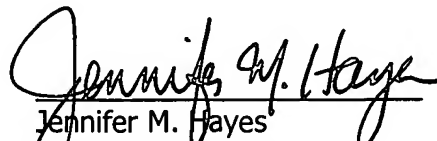
Thus, the present invention would not be obvious based on a combination of Miyake et al and Kitson et al. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103.

**III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Jennifer M. Hayes  
Registration No. 40,641

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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